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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAMIEN ELRIC HUGHES,

Defendant.

CASE NO. 23-CR-159-ABJ

THIRD UNOPPOSED MOTION TO CONTINUE SENTENCING

Defendant Damien Elric Hughes, through his attorney, David Weiss, Assistant Federal Public Defender, moves the Court for an order continuing his sentencing hearing currently scheduled for November 21, 2024 for 60 days to a date and time convenient for the Court. Mr. Hugh's mother has informed the defense that Mr. Hughes was returned to the ICU Unit at Swedish Medical Center in Colorado November 9th after suffering multiple and severe complications post-surgery. On November 7th, Mr. Hughes was transferred to the Polaris Rehabilitation and Care Center in Cheyenne, Wyoming for post-op care closer to his

family.

Mr. Hughes had multiple complications following emergency abdominal surgery in September. He subsequently developed a severe abdominal infection and in critical condition and on a ventilator in the ICU requiring additional surgeries resulting in open wound vacs. At the request of his family, on November 7th Mr. Hughes was transferred to the Polaris in Cheyenne to be closer to his family. Unfortunately, on November 8, Mr. Hughes' condition landslided. His blood pressure tanked and there were other signs of reoccurring infection. On November 9th, Mr. Hughes was transported back to Swedish Medical Center and admitted to the ICU where he remains today.

Mr. Hughes' family has been in constant contact with Jason Volz, United States Probation Officer, reporting and updating him on Mr. Hughes' condition. Considering the severity of Mr. Hughes' condition and the uncertainty of his prognosis, Counsel believes that an additional 60-day continuance is appropriate at this time.

Undersigned counsel has conferred with Assistant United States Attorney Christyne Martens about this request, and AUSA Martens indicated the government has no objection this motion.

Rule 32(b)(1) of the Federal Rules of Criminal Procedure instructs courts to "impose sentence without unnecessary delay." However, for good cause, a court may

continue a sentencing hearing. *See* Fed. R. Crim.P. 45(b)(1) (“When an act must or may be done within a specified period, the court on its own may extend the time, or for good cause may do so on a party’s motion....”).

Accordingly, Mr. Hughes requests that the sentencing hearing now set for November 21, 2024, at 1:30 p.m. be continued for 60 days to a date and time convenient to Court.

DATED this 14th day of November 2024.

Respectfully submitted,

VIRGINIA L. GRADY
Federal Public Defender

/s/ David Weiss
DAVID WEISS
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I certify that the foregoing was served on September 11, 2024, to counsel of record via the ECF system.

/s/ David Weiss
DAVID WEISS

